

Issued on: November 13, 1995.

Barry Felrice,

Associate Administrator for Safety
Performance Standards.

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49 CFR Part 571

[Docket No. 95-79; Notice 1]

RIN 2127-AG01

Federal Motor Vehicle Safety Standards; Steering Control Rearward Displacement

AGENCY: National Highway Traffic
Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to exclude certain vehicles from the application of the agency's standard on steering control rearward displacement. The excluded vehicles would be passenger cars and other light vehicles that are certified to comply with the frontal barrier crash test requirements of the agency's occupant crash protection standard by means of an air bag. The agency believes that the engineering considerations that go into designing a vehicle with air bags would ensure that the vehicle would have the same performance for steering control rearward displacement as is currently required by regulation.

DATES: *Comment Date:* Comments must be received by January 16, 1996.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are 9:30 a.m.-4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Mr. Clarke B. Harper, Office of Vehicle Safety Standards, NPS-12, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2264. Fax: (202) 366-4329. For legal issues: Mr. Edward Glancy, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2992.

SUPPLEMENTARY INFORMATION: Pursuant to the March 4, 1995 directive, "Regulatory Reinvention Initiative," from the President to the heads of departments and agencies, NHTSA has undertaken a review of all its regulations and directives. During the course of this review, the agency

identified several regulations that are potential candidates for rescission or amendment. One of these regulations is Standard No. 204, *Steering Control Rearward Displacement*, which may be redundant for certain vehicles, given the actions which are separately required to be taken to comply with Standard No. 208, *Occupant Crash Protection*.

Standard No. 204 specifies requirements that limit the rearward motion of the steering column in a frontal crash. The standard specifies that the upper end of the steering column and shaft may not be displaced horizontally rearward more than 5 inches in a 30-mile-per-hour frontal barrier crash test. The standard applies to passenger cars and other light vehicles.

Standard No. 204 is one of the agency's original safety standards. In conjunction with Standard No. 203, *Impact Protection For The Driver From The Steering Control System*, the standard is intended to reduce the likelihood of chest, neck or head injuries in frontal impact accidents.

In 1975, NHTSA amended Standard No. 203 to exclude from its requirements vehicles that complied with the frontal barrier crash test requirements (S5.1) of Standard No. 208 by means other than safety belts, i.e., by air bags. 40 FR 17992, April 24, 1975. NHTSA stated at that time that redundant occupant crash protection offered by certain standards is justified for those situations where the primary occupant crash protection system fails or multiple collisions occur. However, NHTSA determined that the redundant protection of Standard No. 203 was not justified where it directly interfered with the development of a more advanced, convenient and effective occupant protection system, such as air bags.

In 1988, NHTSA denied a petition for rulemaking from Mitsubishi which requested that the agency amend Standard No. 204 to exclude vehicles that comply with the frontal barrier crash test requirements of Standard No. 208 by means other than safety belts. 53 FR 780, January 13, 1988. The agency stated:

The agency does not agree that the protection provided by Standard No. 204 is unnecessary for vehicles equipped with air bags. The standard essentially requires hardware to disconnect steering gear movement from the steering column under crash conditions. The standard provides protection to the driver of an air bag equipped vehicle against chest, neck or head injuries which could occur in frontal collisions at speeds below the deployment level of the vehicle's air bag, or in angular

impacts where an air bag might not be as likely to deploy. NHTSA further believes that, in the absence of Standard No. 204, it is possible for a steering assembly to displace more than five inches in a situation where the injury criteria of Standard No. 208 were met. Thus, although the driver's impact with the assembly fell within the injury criteria of the latter standard, the rearward motion of the assembly might entrap the driver or make escape from the vehicle more difficult.

In the context of reviewing whether any of its requirements are no longer necessary, NHTSA believes it is appropriate to reconsider the position it took in denying the Mitsubishi petition. In particular, the agency believes that it should distinguish between whether it is possible for a steering assembly to displace more than five inches in a situation where an air-bag-equipped vehicle meets the injury criteria of Standard No. 208, and whether there is any reasonable likelihood of such an event.

NHTSA believes that one of the most fundamental engineering considerations that manufacturers take into account in designing an air-bag-equipped vehicle is to provide a secure platform for the air bag. This is because, in order to design an effective air bag, the designer must know the relative location of the air bag and the protected occupant. If the air bag platform were moving up or down, or backwards or forward during a crash, it could adversely affect performance. Since the driver air bag is located on the steering column, NHTSA believes that the engineering consideration of ensuring that the air bag platform remains secure will lead manufacturers to take steps that will also ensure that Standard No. 204's specified performance for steering control rearward displacement is satisfied, even in the absence of such standard.

NHTSA also believes that another important engineering consideration that manufacturers take into account in designing air-bag equipped vehicles is ensuring that the air bags are not too close to the vehicle occupants. This is an important consideration because a deploying air bag can injure a person who is sitting too close to the air bag.

The agency notes that the Motor Vehicle Manufacturers Association (now called the American Automobile Manufacturers Association) was sufficiently concerned about the issue of proper spacing between vehicle occupants and air bags to petition NHTSA to require a vehicle label that would, among other things, caution passengers not to sit unnecessarily close to the point from which the air bag will be deployed. As a result of this petition, the agency amended Standard No. 208

to require a label providing this information. See 57 FR 59043, December 14, 1992, and 58 FR 46551, September 2, 1993.

The agency believes that manufacturers take account of this same concern in designing their air-bag equipped vehicles. Hence, the consideration of ensuring that the driver air bag is not too close to the driver will lead manufacturers to limit rearward movement of the steering column in a crash, i.e., movement toward the driver, even in the absence of a regulation.

For the reasons discussed above, NHTSA has tentatively concluded that the requirements of Standard No. 204 are unnecessary for vehicles which are certified to comply with the frontal barrier crash test requirements of Standard No. 208 by means of air bags. The agency is accordingly proposing to exclude such vehicles from the applicability of Standard No. 204.

The agency emphasizes that the reason for its tentative conclusion that Standard No. 204 is unnecessary for these vehicles is its belief, discussed above, that the engineering considerations that go into designing a vehicle with air bags would ensure that the vehicle would have the same performance for steering control rearward displacement as is currently required by Standard No. 204. NHTSA continues to believe in the importance of limiting steering control rearward displacement, and specifically requests comments on its belief that Standard No. 208's air bag requirements will indirectly ensure this aspect of safety performance. Comments are specifically sought on whether a rescission of this requirement in Standard No. 204 could lead to an increase in injuries of a type not protected against in Standard No. 208.

The agency is proposing an effective date of 30 days after publication of a final rule. NHTSA believes that there would be good cause for such an effective date since the amendment would not impose any new requirements but instead reduce manufacturers' costs without any adverse impact on safety.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This action has been determined to be not "significant"

under the Department of Transportation's regulatory policies and procedures. NHTSA believes that there would be no gain or loss of benefits from Standards No. 204 as a result of excluding vehicles which are certified to comply with the frontal barrier crash test requirements of Standard No. 208 by means of air bags. This is because, for reasons discussed above, these vehicles would continue to have the same performance with respect to steering control rearward displacement as vehicles without air bags. Manufacturers would have minor, nonquantifiable cost savings as they would no longer have to certify compliance with this requirement.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this notice under the Regulatory Flexibility Act. I hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities. The rule would not impose any new requirements but would instead exclude from the applicability of Standard No. 204 those light vehicles that are equipped with air bags. The proposed rule, if made final, would likely result in small, nonquantifiable cost savings for motor vehicle manufacturers since they would not need to certify the vehicles to Standard No. 204. The cost savings would be too small to have any significant impact on vehicle prices. Therefore, small businesses, small organizations and small governmental units which purchase motor vehicles would not be significantly affected by the proposed rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), there are no requirements for information collection associated with this proposed rule.

National Environmental Policy Act

NHTSA has also analyzed this proposed rule under the National Environmental Policy Act and determined that it would not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposed rule would not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the

closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, tires.

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.204 would be amended by revising S2 to read as follows:

§ 571.204 Standard No. 204; Steering control rearward displacement.

* * * * *

S2. *Application.* This standard applies to passenger cars and to multipurpose passenger vehicles, trucks, and buses. However it does not apply to vehicles that conform to the frontal barrier crash protection requirement (S5.1) of Standard No. 208 (49 CFR 571.208) by means of an inflatable restraint system. It also does not apply to walk-in vans.

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Issued on November 13, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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49 CFR Part 571

[Docket No. 93-02; Notice 11]

RIN 2127-AF79

Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a request by the Aluminum Association, this document

proposes amending the specifications in FMVSS No. 304, *Compressed Natural Gas Fuel Container Integrity*, with respect to CNG containers made with aluminum alloys. The proposed changes, if adopted, would make FMVSS No. 304 consistent with the most recent voluntary standard issued by the aluminum industry.

DATES: Comments must be received on or before January 2, 1996.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Mr. Samuel Daniel, NPS-01.01, Special Projects Staff, Office of Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Telephone 202-366-4921) (FAX 202-366-4329).

For legal issues: Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (Telephone 202-366-2992) (FAX 202-366-3820) (internet mshaw@nhtsa.dot.gov)

SUPPLEMENTARY INFORMATION:

I. Final Rule Establishing FMVSS No. 304

On September 26, 1994, NHTSA published a final rule addressing the safe performance of compressed natural gas (CNG) containers¹ (59 FR 49010). The final rule established a new Federal motor vehicle safety standard (FMVSS) FMVSS No. 304, *Compressed Natural Gas Fuel Container Integrity*. The Standard specifies pressure cycling, burst, and bonfire tests for the purpose of ensuring the durability, initial strength, and venting of CNG containers. In addition, the Standard specifies labeling requirements for CNG fuel containers. FMVSS No. 304 took effect on March 27, 1995.

FMVSS No. 304 is patterned after the American National Standards Institute's (ANSI's) voluntary industry standard known as ANSI/NGV2. ANSI/NGV2 was developed by the Natural Gas Vehicle

Coalition. ANSI/NGV2 and FMVSS No. 304 specify detailed material and other requirements for different types of CNG containers, including those made with aluminum alloys. For each type of container, ANSI/NGV2 and FMVSS No. 304 specify a unique safety factor for determining the internal hydrostatic pressure that the container must withstand during the burst test. In addition, a container must meet the applicable material and manufacturing requirements as well as the burst test.

FMVSS No. 304 specifies certain material and manufacturing characteristics for aluminum containers using alloy 6010 and alloy 6061. The material characteristics specify the percentage of various elements, including magnesium, silicon, copper, and manganese. The specifications for the two aluminum alloys listed in FMVSS No. 304 were patterned after the specifications set forth in ANSI/NGV2. In establishing the specifications applicable to aluminum alloys, the Natural Gas Vehicle Coalition relied on the *Aluminum Association Standards Data* document (Sixth Edition 1979).

On March 24, 1995, The Aluminum Association, Inc. (TAAI) submitted a letter to NHTSA, requesting several changes be made to FMVSS No. 304, with respect to specifications for aluminum alloys 6010 and 6061 which are used to make CNG fuel containers. TAAI stated that FMVSS No. 304 is inconsistent with the TAAI registered limits for materials used in these two aluminum alloys. That organization stated that because the 1979 document, on which the FMVSS No. 304 composition tables are based, has been superseded several times in recent years, the chemical compositions for aluminum alloys set forth in FMVSS No. 304 do not reflect the current compositions for these alloys, as accepted by the aluminum industry. TAAI provided a copy of the most recent document in which the industry aluminum alloy specifications are contained: The Registration Record of Aluminum Association Designations and Chemical Composition Limits for Wrought Aluminum and Wrought Aluminum Alloys (Revised December 1993).

The discrepancies between the 1993 Registration Record and FMVSS No. 304 are as follows:

Alloy 6010:

*Chromium is shown in FMVSS No. 304 as an alloying element, as opposed to an impurity which it is, with a 0.05% minimum limit as well as the proper maximum limit of 0.10%

¹ When used as a motor fuel, natural gas is stored on-board a vehicle in cylindrical containers at a pressure of approximately 20,684 kPa (3,000 psi). Among the terms used to describe CNG fuel containers are tanks, containers, cylinders, and high pressure vessels. The agency will refer to them as "containers" throughout this document.